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EXAMINER

SMITH, PETER J

ART UNIT PAPER NUMBER

2176

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,906

Applicant(s)

ERICSON, PETTER

Examiner

Peter J. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE amendment filed on 10/11/2005.
2. Claims 1-34 are pending in the case. Claims 1, 9, 13, 16, and 23 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger et al. (hereinafter "Flickinger"), US 5,629,499 patented 5/13/1997 in view of Sekendur, US 5,477,012 patented 12/19/1995.**

Regarding independent claims 1, 9, 13 and dependent claims 11, 12 and 15,

Flickinger teaches a form comprising a surface in fig. 1, 5, and col. 1 lines 48-53. Flickinger teaches a form layout on the surface indicating at least one entry field for receipt of information in fig. 5 and col. 3 lines 16-21. Flickinger teaches an identity pattern on the surface indicating positions on the surface that may be marked to identify the form layout in fig. 5 and col. 3 line 65 – col. 4 line 2. Flickinger teaches the use of a position sensing grid to determine position on the form and thus does not teach a position-coding pattern located on the surface and detectable by an optical sensor.

Sekendur does teach a position-coding pattern located on the surface and detectable by an optical sensor in fig. 1-4 and col. 4 lines 15-27. Fig. 1 and 2 show the position-coding pattern,

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while fig. 3 and 4 show the optical sensor used to detect the position-coding pattern and determine X-Y position. Sekendur teaches wherein each position is encoded by directions of displacements between a plurality of marks and grid points in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. Fig. 2 shows various displacement patterns of dots to code different symbols and fig. 5 shows an embodiment employing a plurality of grid points. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 2, Flickinger teaches wherein the identity pattern comprises a bar code in fig. 5 and col. 3 line 65 – col. 4 line 2.

Regarding dependent claim 3, Flickinger teaches the use of a position sensing grid which is not blocked by the bars of identity pattern. However, the combination of the bar code as taught by Flickinger and the position-coding pattern taught by Sekendur in fig. 1-2 and col. 4 lines 15-27 would have resulted wherein the identity pattern comprises a bar code that prevents the optical sensor from detecting the position-coding pattern on portions of the surface covered by bars of the bar code but allows the optical sensor to detect the position-coding pattern between the bars of the bar code. It would have been obvious and desirable to have combined

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the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 4, Flickinger teaches wherein the identity pattern also indicates the sale of the form layout in col. 3 lines 16-59.

Regarding dependent claim 5, Flickinger teaches wherein the identity pattern also indicates the sale of the form layout in fig. 5 and col. 4 lines 30-34.

Regarding dependent claim 6, Flickinger teaches wherein the entry field comprises a shape to be marked in col. 1 lines 48-53 and col. 3 lines 16-21.

Regarding dependent claim 7, Flickinger teaches wherein the entry field comprises a scale that can be marked at a location to indicate a numerical rating col. 1 lines 48-53 and col. 3 lines 16-21.

Regarding dependent claim 8, Flickinger teaches wherein the entry field comprises space for receiving handwritten information in col. 1 lines 48-53 and col. 3 lines 16-21.

Regarding dependent claims 10 and 14, Flickinger teaches that the form layout is printed at a known location relative to the position-coding position sensing grid in fig. 1, 5, and col. 3 lines 16-64. Flickinger does not teach a position-coding pattern. However, the combination of the position-coding pattern taught by Sekendur in fig. 1-2 and col. 4 lines 15-27 with Flickinger would have resulted in printing the form layout at a known location relative to the position-coding pattern. It would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding independent claim 16 and dependent claim 22, Flickinger teaches determining from the position data a form layout printed on the surface in fig. 5 and col. 3 line 16 – col. 4 line 2. Flickinger teaches determining from the position data an information entry in an entry field defined by the form layout in col. 4 lines 3-18. Flickinger teaches using a position sensing grid to determine position data and thus does not teach receiving from an optical sensor position data corresponding to a movement of a device containing the optical sensor over a surface having a position-coding pattern detectable by the optical sensor.

Sekendur does teach a position-coding pattern located on the surface and detectable by an optical sensor in fig. 1-4 and col. 4 lines 15-27. Fig. 1 and 2 show the position-coding pattern, while fig. 3 and 4 show the optical sensor used to detect the position-coding pattern and determine X-Y position. Sekendur teaches wherein directions of displacements between a plurality of marks and grid points in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. Fig. 2 shows various displacement patterns of dots to code different symbols and fig. 5 shows an embodiment employing a plurality of grid points.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 17, Flickinger teaches storing the information entry in a database in col. 4 lines 36-48.

Regarding dependent claim 18, Flickinger teaches translating the information entry into a non-handwritten format based on a type of information expected to be received in the entry field and storing the translated information entry in a database in col. 4 lines 3-18 and col. 4 lines 36-48.

Regarding dependent claim 19, Flickinger teaches translating the information entry into a result of a type chosen from the group consisting of Boolean variable, whole number, real number, and text string; and storing the result in a database in col. 4 lines 3-18 and col. 4 lines 36-48.

Regarding dependent claim 20, Flickinger teaches determining a sub-portion of the position data located in a predetermined area of the position sensing grid, finding a match to the sub-portion in a plurality of known identity patterns representing possible form layouts, and determining the form layout corresponding to the match in col. 3 lines 16-64 and col. 4 lines 3-18. Flickinger teaches using a position sensing grid to determine position data and thus does not teach receiving from an optical sensor position data corresponding to a movement of a device containing the optical sensor over a surface having a position-coding pattern detectable by the optical sensor.

Sekendur does teach a position-coding pattern located on the surface and detectable by an optical sensor in fig. 1-4 and col. 4 lines 15-27. Fig. 1 and 2 show the position-coding pattern, while fig. 3 and 4 show the optical sensor used to detect the position-coding pattern and determine X-Y position. Sekendur teaches wherein each position is encoded by directions of

displacements between a plurality of marks and grid points in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. Fig. 2 shows various displacement patterns of dots to code different symbols and fig. 5 shows an embodiment employing a plurality of grid points.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 21, Flickinger teaches determining a sub-portion of the position data whose location falls in an area of the position sensing grid known to be encompassed by the entry field in col. 3 lines 16-64 and col. 4 lines 3-18. Flickinger teaches using a position sensing grid to determine position data and thus does not teach receiving from an optical sensor position data corresponding to a movement of a device containing the optical sensor over a surface having a position-coding pattern detectable by the optical sensor.

Sekendur does teach a position-coding pattern located on the surface and detectable by an optical sensor in fig. 1-4 and col. 4 lines 15-27. Fig. 1 and 2 show the position-coding pattern, while fig. 3 and 4 show the optical sensor used to detect the position-coding pattern and determine X-Y position. Sekendur teaches wherein each position is encoded by directions of displacements between a plurality of marks and grid points in fig. 2, fig. 5, col. 4 lines 29-41, and

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col. 4 lines 46-49. Fig. 2 shows various displacement patterns of dots to code different symbols and fig. 5 shows an embodiment employing a plurality of grid points.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding independent claim 23, Flickinger teaches providing a user with a form, the form containing printed indicia on a foreground thereof prompting the user to associate written information with the printed indicia in fig. 1, 5, col. 1 lines 48-53, and col. 3 line 16 – col. 4 line 2. Flickinger teaches encouraging the user to fill in portions of the form using an implement capable of marking the form and electronically receiving the signal and translating the signal into information reflecting an intention of the user in col. 4 lines 3-18. Flickinger teaches using a position sensing grid to determine position data and thus does not teach receiving from an optical sensor position data corresponding to a movement of a device containing the optical sensor over a surface having a position-coding pattern detectable by the optical sensor.

Sekendur does teach a position-coding pattern located on the surface and detectable by an optical sensor in fig. 1-4 and col. 4 lines 15-27. Fig. 1 and 2 show the position-coding pattern, while fig. 3 and 4 show the optical sensor used to detect the position-coding pattern and

determine X-Y position. Sekendur teaches wherein each position is encoded by directions of displacements between a plurality of marks and grid points in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. Fig. 2 shows various displacement patterns of dots to code different symbols and fig. 5 shows an embodiment employing a plurality of grid points.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 24, Flickinger teaches storing in a database the information reflective of the user's intention in col. 4 lines 36-48.

Regarding dependent claim 25, Flickinger teaches wherein the form is printed on a material chosen from the group consisting of paper stock, plastic, and laminate in col. 1 lines 48-53 and col. 3 lines 16-21.

Regarding dependent claim 26, Flickinger teaches wherein the written information is hand-written in col. 1 lines 48-53.

Regarding dependent claim 27, Flickinger teaches using a position sensing grid to determine position data and thus does not teach receiving from an optical sensor position data

corresponding to a movement of a device containing the optical sensor over a surface having a position-coding pattern detectable by the optical sensor.

Sekendur does teach a position-coding pattern located on the surface and detectable by an optical sensor in fig. 1-4 and col. 4 lines 15-27. Fig. 1 and 2 show the position-coding pattern, while fig. 3 and 4 show the pen optical sensor used to detect the position-coding pattern and determine X-Y position. Sekendur teaches wherein each position is encoded by directions of displacements between a plurality of marks and grid points in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. Fig. 2 shows various displacement patterns of dots to code different symbols and fig. 5 shows an embodiment employing a plurality of grid points.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 28, Flickinger does not teach wherein each mark is uniquely associated with a grid point. Sekendur does teach wherein each mark is uniquely associated with a grid point in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a

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position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 29, Flickinger does not teach wherein the grid points are derives from the marks. Sekendur does teach wherein the grid points are derives from the marks in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 32, Flickinger does not teach wherein the plurality of marks comprise dots. Sekendur does teach wherein the plurality of marks comprise dots in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid.

Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 33, Flickinger does not teach wherein the plurality of marks comprise dots. Sekendur does teach wherein the plurality of marks comprise dots in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 34, Flickinger does not teach wherein the plurality of marks comprise dots. Sekendur does teach wherein the plurality of marks comprise dots in fig. 2, fig. 5, col. 4 lines 29-41, and col. 4 lines 46-49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur. Thus, it would have been obvious and

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desirable to have combined the teachings of Flickinger and Sekendur so that the position could have been sensed without the use of a position sensing clipboard.

5. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger et al. (hereinafter "Flickinger"), US 5,629,499 patented 5/13/1997 in view of Sekendur, US 5,477,012 patented 12/19/1995 as applied to claim 1 above, and further in view of Hecht et al. (hereinafter "Hecht"), US 6,327,395 B1 filed 8/31/1998.

Regarding dependent claim 30, Flickinger does not teach wherein a single mark contributes to at least two different positions. Hecht does teach wherein a single mark contributes to at least two different positions in fig. 1-8, 19, col. 5 line 22 – col. 8 line 64, and col. 12 lines 14-26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Flickinger, Sekendur, and Hecht to have created the claimed invention. It would have been obvious and desirable to have used the position coding teachings of Sekendur and Hecht to have improved Flickinger by replacing the position sensing grid with a position coded medium. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teachings of Hecht and Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger, Sekendur, and Hecht so that the position could have been sensed without the use of a position sensing clipboard.

Regarding dependent claim 31, Flickinger does not teach wherein the grid points are undetectable by the optical sensor. Hecht does teach wherein the grid points are undetectable by the optical sensor in fig. 1-8, 19, col. 5 line 22 – col. 8 line 64, and col. 12 lines 14-26. It would

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have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Flickinger, Sekendur, and Hecht to have created the claimed invention. It would have been obvious and desirable to have used the position coding teachings of Sekendur and Hecht to have improved Flickinger by replacing the position sensing grid with a position coded medium. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teachings of Hecht and Sekendur. Thus, it would have been obvious and desirable to have combined the teachings of Flickinger, Sekendur, and Hecht so that the position could have been sensed without the use of a position sensing clipboard.

Response to Arguments

6. Applicant's arguments filed 10/11/2005 have been fully considered but they are not persuasive. Regarding Applicant's argument in pages 10-12 that Flickinger and Sekendur do not teach all the limitations of independent claims 1, 9, 13, 16, and 23, the Examiner respectfully disagrees. The Examiner believes the amended limitations of claims 1, 9, 13, 16, and 23 reads upon the position coding system of Sekendur under the broadest reasonable interpretation. Sekendur shows examples of a plurality of grid points in fig. 1, 4, and 5. Sekendur shows directions of displacements of marks from the grid point in fig. 2. The marks are made at varying distances and relative positions to the center of the point, thus the Examiner believes this reads on the claimed directions of displacements between marks and grid points. Therefore, the Examiner maintains the rejection of independent claims 1, 9, 13, 16, and 23 as being obvious over a combination of the teachings of Flickinger and Sekendur.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meyer, Andre, "Pen Computing: A Technology Overview and a Vision", ACM SIGCHI Bulletin, Volume 27, Issue 3, July 1995, pages 46-90 discloses an overview of position sensing pen computing technologies.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS
12/14/2005


WILLIAM BASHORE
PRIMARY EXAMINER
12/19/2005